

DELAYED REGISTRATION OF BIRTH

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My birth (or my child's birth) was never registered. How can I get a birth certificate?

If you or your child were born in California, and the birth was never registered, you may file an *Application For Delayed Registration of Birth* (Form VS 85) with the State Registrar at the Office of Vital Records (OVR), Attention: Delayed Registration, MS 5103, P.O. Box 997410, Sacramento, CA 95899-7410. If your child is less than one year old, you must register the birth through the local registrar of births in the county where the child was born.

What is a Delayed Registration of Birth, and how is it different from a regular birth certificate?

A Delayed Registration of Birth is a way to register a California birth when the birth was not registered within the first year. Unlike regular birth certificates, delayed birth certificates are not accepted as evidence in any proceeding involving estates of decedents, or in any proceeding to establish heirship, unless the affidavit of at least one person who knew the facts was filed at the time the delayed birth certificate was registered.

Who can apply for a delayed birth certificate?

An application for a delayed birth certificate may be filed only by the person whose birth is being registered, if he or she is 18 years of age or over at the time application is made. If the person whose birth is being registered is under 18 at the time application is made, the application may be filed only by his or her mother, father, legal guardian, or the attending physician or principal attendant at birth.

Do I need to provide proof that I was born in California when applying for a delayed certificate?

Yes. Health & Safety Code Section 102585 requires the following evidence and affidavits to substantiate a delayed registration of birth:

“...For births that are being registered under this chapter there shall be required documentary evidence and affidavits pursuant to one of the following:”

- (a) Two pieces of documentary evidence, at least one of which shall support the parentage.*
- (b) One piece of documentary evidence and one affidavit executed by the physician or other principal attendant.*
- (c) One piece of documentary evidence and two affidavits executed by either the mother, father, or other persons having knowledge of the facts of birth.”*

What is meant by documentary evidence?

Health & Safety Code Section 102580 defines the documentary evidence required for delayed registration of birth as:

“ ... original or certified copies of a record that was executed at least five years prior to the date of application, and that substantiates the date and place of birth of the person whose birth is being registered; except that if the person whose birth is being registered is under 12 years of age the record shall have been executed only at least two years before the date of application.”

Are there examples of acceptable forms of documentary evidence?

Health & Safety Code Section 102580 provides examples of documentary evidence that shall generally be considered acceptable for delayed birth registration. They are:

“ ... hospital records of birth, baptismal certificates or other church records, school records, census records, social security records, military service records, voting registration records, birth certificates of child of person whose birth is being registered, certificates of registry of marriage, and newspaper notices of birth.”

The law says these records are *generally* considered to be acceptable as documentary evidence. However, in order to actually *be* acceptable, the law also says the records *must substantiate the date and place of birth*. Therefore, even some of the records listed above may prove to be unacceptable if they fail to meet this requirement. Ultimately, the affidavits and documentary evidence submitted must be sufficient to enable the State Registrar to determine whether the birth did in fact occur at the place and date alleged (H&S Code, § 102550). For this reason, OVR urges applicants to submit more than one piece of documentary evidence with the application, if available. OVR is often unable to process an application because the evidence submitted with the initial application failed to substantiate both the date and place of birth. When that happens, OVR must return the application with a request for additional evidence. This adds to the already lengthy processing time for delayed registrations of birth.

Hospital birth records and other medical records (not immunization records) are excellent forms of documentary evidence that reflect parentage, as are Newborn Screening Tests (PKU Tests).

Are there similar guidelines available for affidavits?

Health & Safety Code Section 102575 defines an acceptable affidavit as:

“... a written statement executed under oath by a person who at the time of [applicant’s] birth was at least 5 years old and had knowledge of the facts of birth and shall include the full name of the person whose birth is being registered, the names of his or her parents, the date and place of his or her birth and the basis of the affiant’s knowledge of these facts.”

What if I am unable to provide the required documentary evidence and affidavits?

If the information required by Health and Safety Code Section 102585 is not available to document the birth, you must apply to the superior court for an order to judicially establish the fact of, and the time and place of the birth. You can access information about the [Court Order Delayed Registration of Birth](#) process on our web site, but we are unable to provide the forms online. However, you can request that a form be mailed to you by clicking on OVRform@dhs.ca.gov and providing us with your name, mailing address, and the form number you wish to receive.

How do I complete the Application for Delayed Registration of Birth?

The application form is a two-part, perforated form. On the top part, please indicate the number of copies desired, the amount of the fee enclosed, and your name, address, and telephone number.

The bottom portion of the form is the Delayed Registration of Birth. This part becomes the actual birth certificate for the person whose birth is being registered. Please make sure to enter the information as legibly as possible so the certificate can be easily read by others.

USE BLACK INK ONLY when completing the form. The use of different colored inks will cause the certificate to be rejected for registration. Since this is a legal document, there can be no erasures, whiteouts, or alterations on the form.

DO NOT enter any information in the space designated for the “State File Number” or in the space designated for “State Registrar Use Only.”

FACTS OF BIRTH: Complete this section about the person whose birth is being registered.

FATHER: If you are attempting to register a birth that occurred after December 1, 1996, OVR cannot add the father’s name to the birth certificate unless you send a copy of your marriage certificate verifying your marriage to the child’s biological father, or a Declaration of Paternity signed by both parents.

You can obtain this form from the [Department of Child Support Services](#), the Family Support Section of any District Attorney's Office, or from Local Registrars of Births and Deaths or county welfare offices.

MOTHER: Enter the mother's information in this section.

CERTIFICATION OF APPLICANT: The person whose birth is being registered, if he or she is 18 or older, must sign this part. If the person is under 18, the mother, father, legal guardian, attending physician, or principal attendant at birth may sign the application.

AFFIDAVIT AND SIGNATURES: The person or persons completing the affidavits must state their relationship to the person whose birth is being registered and/or the basis for their knowledge of the facts of birth in items 19B and 20B. The person(s) must have been at least five years old at the time the birth occurred.

[What is the cost for a delayed registration of birth?](#)

The cost to register a birth through the delayed registration process is \$20 and includes one certified copy of the newly established birth certificate. If you would like more than one certified copy, you must send \$15 for each additional copy requested. ***Note: Effective July 1, 2003, the law imposes new guidelines for obtaining certified copies of birth certificates. This law was passed to help protect against identity theft. If you want a certified copy of the birth certificate once it has been registered, you must complete the sworn statement included with the [Application for Certified Copy of Birth Record](#) and have it notarized. You do not have to complete the entire application, but please read the first page for a definition of "authorized person" before completing the sworn statement. Your notarized statement, sworn under penalty of perjury that you are an "authorized person," must accompany the VS 85 application form if we are to provide you a certified copy.***

[Where can I get the forms I need?](#)

Because the VS 85 becomes the actual record, it must be on an original form. Therefore, we are unable to provide the form online. However, you can request that a form be mailed to you by clicking on OVRform@dhs.ca.gov and providing us with your name, mailing address, and the form number you wish to receive. You may also obtain the VS 85 from the [County Recorder](#) or the [County Health Department](#) located in any California county. Xeroxed copies of the form are not acceptable.

How long does it take to register the birth?

Due to a current backlog of pending delayed registrations, all requests are processed in the order received. The current processing time is approximately three months. Please note that processing times are subject to change without notice.

I still have unanswered questions. Where can I get help?

If you have additional questions, please call (916) 557-6077 and leave your name and telephone number. One of our staff will return your call within 48 hours.